

**AN ORDINANCE BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO REVISE THE CITY OF ATLANTA CODE OF ORDINANCES PERTAINING TO SECONDARY METAL RECYCLERS BY AMENDING THE FOLLOWING SECTIONS OF CHAPTER 122, ARTICLE V, DIVISIONS I AND II: SECTION 122-151 (DEFINITIONS); SECTION 122-152 (RECORDS REQUIRED); AND SECTION 122-157 (UNLAWFUL ACTS); SECTION 122-171 (REQUIRED APPLICATION); TO ADD THE FOLLOWING NEW SECTIONS TO CHAPTER 122, ARTICLE V, DIVISIONS I AND II OF THE CITY OF ATLANTA CODE OF ORDINANCES: SECTION 122-158 (DAILY WRITTEN REPORT TO POLICE); SECTION 122-159 (OFFENSES; DEFENSES, PENALTY); SECTION 122-160 (POSSESSOR OF SECONDARY METALS); SECTION 122-161 (LICENSE TO POSSESS SECONDARY METALS); SECTION 122-162 (REVOCATION OF LICENSE TO POSSESS SECONDARY METALS); AND SECTION 122-170 (PROCESSING APPLICATION;ISSUANCE OF LICENSE. POSSESOR OF SECONDARY METALS); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta's ("City") Department of Police ("Department") has determined that the theft of copper is a major problem in the City; and

**WHEREAS**, copper theft is the number one item stolen in residential and commercial burglaries in the City; and

**WHEREAS**, copper is found in plumbing pipes, air conditioning units, and electrical wiring; and

**WHEREAS**, there has been a 20% increase in burglaries in the City compared to 2006; and

**WHEREAS**, the Department recognized that the increase burglaries is largely due to the high demand for scrap copper, which sells for approximately \$3 to \$5 per pound; and

**WHEREAS**, the Department and the Fulton County District Attorney's Office created a task force to combat this rising problem; and

**WHEREAS**, based on the task forces' findings, the Department desires to revise the Atlanta City Code, as it pertains to secondary metal recyclers, in order to prevent the sell and purchase of stolen copper.

D-1

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**Section 1:** That Chapter 122, Article V, Division I, Section 122-151 entitled "Definitions" of the Code of Ordinances of the City of Atlanta, is hereby amended by adding a new paragraph, to read as follows:

"Secondary metals means ferrous or nonferrous metals that have served their original economic purpose."

**Section 2:** That Chapter 122, Article V, Division I, Section 122-152 entitled "Records required." of the Code of Ordinances of the City of Atlanta, is hereby amended by adding a new subsection 122-152(d), to read as follows:

"(d) A secondary metals recycler shall segregate all regulated metal property purchased from a seller from regulated metal property purchased from other sellers and attach to the property, or to the container in which the property is held, a label indicating the name of the seller, the date on which the property was purchased, and the number of the receipt on which the purchase information is recorded. If in any single purchase transaction there are multiple items of regulated metal property of the same general type, only one representative item from each type of regulated property must be segregated and labeled in accordance with this subsection."

**Section 3:** That Chapter 122, Article V, Division I, Section 122-157 entitled "Unlawful acts." of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new subsection 122-157(4), to read as follows:

"(4) Purchase the following items of regulated metal property without obtaining proof that the seller is an employee, agent, or contractor of a governmental entity who is authorized to sell the item of regulated metal property of behalf of the governmental entity:

- (a) A manhole cover
- (b) An electric light pole
- (c) A guard rail
- (d) Monument plaques composed of any metal
- (e) Metal stadium benches
- (f) Traffic or street signs
- (g) Railroad journals
- (h) Gas or water meters

**Section 4:** That Chapter 122, Article V, Division I, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-158, to read as follows:

**Sec. 122-158. Daily Written Report to Police.**

- (a) *Contents of daily report.* Every secondary metals recycler shall make a daily report in writing to the department of police of all secondary metals or goods containing secondary metals purchased during the 24 hours ending at 8:00 p.m. on the date of the report. The reports shall be on forms or on duplicate invoices as may be prescribed or approved by the Chief of Police. The reports shall be typewritten or computer processed and mailed or delivered to the department of police prior to 10:00 a.m. on the day following the date of the report. In addition to any other information required by the department of police, the reports shall include the name and address of the permittee, date of transaction, description and amount of secondary metals or goods containing secondary metals purchased and the name and address of the person from whom purchased.
- (b) *Fingerprints and information required.* In addition to the owner records and information called for in subsection (a) of this section, each secondary metals recycler shall obtain from each person making a transaction of any article with that secondary metals recycler the fingerprint of the right hand index finger, unless that finger is missing in which event the print of the next finger in existence on the right hand of the person making the transaction shall be obtained with a notation as to the exact finger printed. All prints shall be made on forms to be furnished by the department of police, and the secondary metals recycler shall obtain all other information called for on the form furnished. Fingerprints and the information as required in this section shall be obtained from all persons each time the persons makes a transaction of any article with a secondary metals recycler, regardless of whether or not that person may have previously made a transaction of an article with the secondary metals recycler and been fingerprinted. Fingerprints shall be kept on file and open to inspection by law enforcement for a period of 90 days.
- (c) *Effect of failure to comply.* Failure to produce fingerprints of the person making a transaction within 90 days of the transaction of an article shall constitute an offense.
- (d) The Chief of Police may promulgate rules and regulations consistent with this section to require the proper enforcement of this section.
- (e) Any person failing to submit daily reports as required in subsection (a) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as for a misdemeanor.

**Section 5:** That Chapter 122, Article V, Division I, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-159, to read as follows:

**Sec. 122-159. Offenses; Defenses; Penalty.**

- (a) A person who violates any provision of this chapter, or who fails to perform a duty required of him under this chapter, commits an offense. A person is guilty of a separate offense for each item of regulated metal property involved in a violation of this chapter. An offense under this chapter is punishable by a fine not to exceed \$500.00.
- (b) It is a defense to prosecution under this chapter that the regulated metal property involved:
  - (1) was purchased from a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school-sponsored organization or association or from any organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended;
  - (2) was purchased from any public officer acting in an official capacity as a trustee in bankruptcy, executor, administrator, or receiver; from any public official acting under judicial process or authority; or from a sale on the execution, or by virtue, of any process issued by a court;
  - (3) consists of aluminum food or beverage containers, used food or beverage containers, or similar food or beverage containers for the purpose of recycling, other than beer or beverage kegs; or
  - (4) was purchased from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

**Section 6:** That Chapter 122, Article V, Division I, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-160, to read as follows:

**Sec. 122-160. Possessor of Secondary Metals**

Except as authorized by this section, it is unlawful to receive, purchase, possess, transport or have under his control any secondary metal without having a current license to possess secondary metals.

**Section 7:** That Chapter 122, Article V, Division I, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-161, to read as follows:

**Sec. 122-161. License to Possess Secondary Metals**

(a) The license application requirements of any person seeking to act as a possessor of secondary metals shall be as follows:

- (1) The application for license shall be made to the department of Police
- (2) The applicant shall be charged a fee of \$5.00.
- (3) The application for license shall be in writing and shall be sworn to or affirmed by the applicant.
- (4) The application shall include the name, date of birth, address and social security number of the applicant.

(b) Each license will expire one year from the date of issuance and may be renewed only by making a new application as provided by this section.

**Section 8:** That Chapter 122, Article V, Division I, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-162, to read as follows:

**Sec. 122-162. Revocation of License to Possess Secondary Metals.**

(a) A licensee may have his license to possess secondary metals revoked if it is determined that one or more of the following are true:

- (1) A licensee has given a false statement to a material matter submitted during the application process.
- (2) A licensee has been convicted of any felony or misdemeanor involving theft or fraud, including but not limited to theft, robbery, burglary and forgery.

(b) For the purpose of this section only, every possessor of secondary metals shall be exempt from the levy of the registration fee for a City business license.

**Section 9:** That Chapter 122, Article V, Division II, of the Code of Ordinances of the City of Atlanta, Georgia is hereby amended by adding a new section 122-170, to read as follows:

**Sec. 122-170. Processing application; issuance of license. Possessor of Secondary Metals.**

After the application for the license required by this division is filed with the department of police, a criminal record check will be done. The initial annual license will allow the licensee to possess secondary metals and shall be valid until December 31 of the initial year of issuance, unless the license is suspended or revoked for violations of the related state laws or this code or other ordinances of the city. Thereafter, the applicant shall be required to obtain a renewal license for each succeeding year. A renewal application shall be accompanied by a fee of \$5.00. A renewal license shall be issued by the License and Permits Unit of the Police Department if the applicant for renewal continues to meet all of the prerequisites for obtaining an initial license and no action to deny, suspend or revoke the license is pending against the applicant.

**Section 10:** That Chapter 122, Article V, Division II, Section 122-171, of the Code of Ordinances of the City of Atlanta, Georgia, which reads:

**“Sec. 122-171. Required; application.”**

Is hereby amended to read as follows: .....

**“Sec. 122-171. Required; application. To operate establishment.”**

**Section 11:** That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived for the purposes of this Ordinance only, and only to the extent of the conflict.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Public Safety and Legal Administration

**Caption:** AN ORDINANCE TO REVISE THE CITY OF ATLANTA CODE OF ORDINANCES PERTAINING TO SECONDARY METAL RECYCLERS BY AMENDING THE FOLLOWING SECTIONS OF CHAPTER 122, ARTICLE V, DIVISIONS I AND II: SECTION 122-151 (DEFINITIONS); SECTION 122-152 (RECORDS REQUIRED); AND SECTION 122-157 (UNLAWFUL ACTS); SECTION 122-171 (REQUIRED APPLICATION); TO ADD THE FOLLOWING NEW SECTIONS TO CHAPTER 122, ARTICLE V, DIVISIONS I AND II OF THE CITY OF ATLANTA CODE OF ORDINANCES: SECTION 122-158 (DAILY WRITTEN REPORT TO POLICE); SECTION 122-159 (OFFENSES; DEFENSES, PENALTY); SECTION 122-160 (POSSESSOR OF SECONDARY METALS); SECTION 122-161 (LICENSE TO POSSESS SECONDARY METALS); SECTION 122-162 (REVOCATION OF LICENSE TO POSSESS SECONDARY METALS); AND SECTION 122-170 (PROCESSING APPLICATION; ISSUANCE OF LICENSE. POSSESSOR OF SECONDARY METALS); TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

**Council Meeting Date:** 10-1-2007

**Requesting Dept:** Police

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

This legislation was necessary due to the increase in copper/secondary metal theft. Burglaries have increased 20% since 2006. We have added the offense of Possessor of Secondary Metals which makes it a violation if one does not have a license (license fee \$5-a criminal record check will be done). It is unlawful for a recycler to purchase certain items without obtaining proof the seller is an employee, agent, or contractor of a governmental entity authorized to sell such items as: manhole cover, electric light pole, guard rail, monument plaques, metal stadium benches, traffic or street signs, railroad journals, gas or water meters. Now a recycler shall segregate all regulated metals and attach a label indicating the name of the seller, date of purchase, and number on the receipt on which the information is recorded.

**2. Please provide background information regarding this legislation.**

The task force met to combat the increase in copper and secondary metal thefts. The ordinance should assist with deterring businesses from taking in stolen property and also give the police another tool by identifying possible suspects who obtain a license and the authority to question those in possession of secondary metals.

**3. If Applicable/Known:**

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A
- (b) Source Selection: N/A
- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: *Example: Local Assistance Grant* N/A

6. Fiscal Impact: N/A

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Lt. Barbara Cavender



## TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Barbara CavenderContact Number: (404) 853-4377Originating Department: Department of PoliceCommittee(s) of Purview: Public Safety and Legal AdministrationChief of Staff Deadline: August 24, 2007Anticipated Committee Meeting Date(s): September 11 & 25Anticipated Full Council Date: October 1, 2007Legislative Counsel's Signature: Terry GrandisonCommissioner Signature: X D/C W. Banda

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

AN ORDINANCE TO REVISE THE CITY OF ATLANTA CODE OF ORDINANCES PERTAINING TO SECONDARY METAL RECYCLERS BY AMENDING THE FOLLOWING SECTIONS OF CHAPTER 122, ARTICLE V, DIVISIONS I AND II: SECTION 122-151 (DEFINITIONS); SECTION 122-152 (RECORDS REQUIRED); AND SECTION 122-157 (UNLAWFUL ACTS); SECTION 122-171 (REQUIRED APPLICATION); TO ADD THE FOLLOWING NEW SECTIONS TO CHAPTER 122, ARTICLE V, DIVISIONS I AND II OF THE CITY OF ATLANTA CODE OF ORDINANCES: SECTION 122-158 (DAILY WRITTEN REPORT TO POLICE); SECTION 122-159 (OFFENSES; DEFENSES, PENALTY); SECTION 122-160 (POSSESSOR OF SECONDARY METALS); SECTION 122-161 (LICENSE TO POSSESS SECONDARY METALS); SECTION 122-162 (REVOCATION OF LICENSE TO POSSESS SECONDARY METALS); AND SECTION 122-170 (PROCESSING APPLICATION; ISSUANCE OF LICENSE. POSSESSOR OF SECONDARY METALS). TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: \_\_\_\_\_

(date)

Received by LC from CPO: \_\_\_\_\_

(date)

Received by Mayor's Office: 8.27.07

(date)

Reviewed by: gm

(date)

8.31.07

Submitted to Council: \_\_\_\_\_

(date)